

U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs

Dallas Oversight Division
1100 Commerce Street, Room 441
Dallas, TX 75242

Classification Appeal Decision
Under section 5112 of title 5, United States Code

Appellant: [appellant]

Agency classification: Botanist
GS-430-11

Organization: Division of Resources Management
[name] National Monument
[organizational location]
National Park Service
Department of the Interior
[location]

OPM decision: Botanist
GS-430-11

OPM decision number: C-0430-11-01

/s/

Bonnie J. Brandon
Classification Appeals Officer

February 24, 2003

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the *Introduction to the Position Classification Standards*, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[appellant's name and address]

Human Resources Officer
[organizational location]
National Park Service
Department of the Interior
[address]

Assistant Regional Director, Human Resources
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Introduction

On November 27, 2002, the Dallas Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. His position is currently classified as Botanist, GS-430-11, and is located in Division of Resources Management, [name] National Monument, [organizational location] National Park Service (NPS), Department of the Interior, in [geographic location]. We received the agency's administrative report on November 21, 2002, as part of the appeal package. The appellant believes that his position should be graded at GS-12. The appellant filed a classification appeal with NPS; its letter of October 11, 2002, informed him that since NPS headquarters classified the benchmark position description (PD) to which he is assigned, the Bureau could not accept his appeal. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

To help decide the appeal, a Dallas Oversight Division representative conducted telephone interviews with the appellant and his supervisor. To gain perspective on the appellant's regional and national impact on restoration work, we also interviewed the regional botany/ecology/vegetation management specialist.

The appellant was formally assigned to his official PD, Number [number], on January 13, 2002. By memorandum of March 18, 2002, his supervisor certified that the PD is complete and accurate. The appellant believes that his current PD is so generic that it does not accurately reflect the level of his work in restoration ecology. He provided a benchmark PD at the GS-12 level that he feels provides a better match in terms of Factor 3, *Guidelines*, Factor 4, *Complexity*, and Factor 5, *Scope and effect*. NPS evaluation guidance for the GS-11 and 12 benchmarks states that the difference between the two grades is found in those three factors. When appellants have been unable to resolve the issue of PD accuracy within their agency, we base our appeal decision on the actual duties and responsibilities assigned by management and performed by the appellants. Therefore, we have considered the appellant's statements only insofar as they are relevant to his actual work.

General issues

The appellant believes that the concept of the "impact of the person on the job" should be considered in classifying his position. The concept of impact of the person on the job is addressed in both the *Introduction to the Position Classification Standards* and *The Classifier's Handbook*. This concept holds that, by virtue of exceptional competence, an employee may have such an impact on the duties, responsibilities, and qualification requirements of a position that it is changed to the point where its classification must also be changed. On the other hand, the mere fact that an individual in a position possesses higher qualifications or stands out from other individuals in comparable positions is not sufficient reason by itself to classify the position to a higher grade. When determining grade level based on this concept, it is essential that management recognizes and endorses the duties and that the work environment allows continuing performance at a different level. Neither the appellant nor officials of his agency provided information to indicate that impact of the person on the job should be a factor in evaluation of the appellant's position, i.e., that his performance actually makes the appealed position materially different from what it otherwise would be.

In his package of material submitted to our office, the appellant included a copy of a previous PD that he believes describes higher level duties and an NPS benchmark PD and classification evaluation statement for a GS-12 resources career position to which he proposes he be assigned. By law, OPM must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, we cannot use previous PDs or agency internal classification guidance in deciding appeals.

The appellant also makes various statements about his agency's desk audit and classification appeal practices. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. Therefore, we have considered the appellant's statements only insofar as they are relevant to comparing his current duties and responsibilities to OPM position classification standards and guidelines.

Position information

The appellant serves as the technical advisor in botany and vegetation management for the [name] National Monument. The botany program covers 32,737 acres of public land of which 23,267 acres is designated wilderness area. [Name]'s plant collection (herbarium) documents over 700 different species within the park, about 10 of which are park sensitive. Some are also [name of state] State listed (i.e., rare). The collection also documents numerous exotic and invasive plant species, which threaten native plant communities. The collection serves as a reference collection for the many ecological monitoring projects ongoing at the park. He also provides taxonomic identification services to park and adjacent agency monitoring efforts.

The appellant is responsible for developing and implementing resources programs pertaining to the management and protection of flora, plant communities, and landscapes within the park. Vegetation management programs at the park include long-term and baseline inventory and monitoring, mitigation of adverse impacts, hazard trees, and nonnative plant control. He also is responsible for geologic and hydrologic resource management, hazardous materials management, and integrated pest management. Vegetation management activities at the park emphasize the restoration of degraded piñon-juniper savanna sites. The appellant spends over 50 percent of his time leading a directed research program aimed at this issue. He is the park's primary contact and liaison with Federal and State natural resource agencies, university staff, and other agencies or groups including Native American groups and the public on vegetation management matters.

He identifies research needs, prepares requests for proposals or statements of work, researches and obtains monies from different natural resource funds, and provides oversight to and evaluates research projects. The appellant serves as Contracting Officer's Technical Representative as needed. He implements one-time and ongoing projects based on a variety of factors such as funds availability, park interests, seasons, wildlife and plant life cycles, research and surveys, and specific problem identification. The appellant determines resources required in terms of funds, personnel, equipment, and materials. He coordinates with peers in cooperative agencies, local Indian Tribes, and other government and private activities to plan joint projects, obtain and provide technical assistance, determine impact of projects on other programs, resolve

problems, and obtain personnel and equipment. He may adjust or modify plans and projects to compensate for changing conditions, new developments, and avoiding negative impact on other programs. He performs surveys and research, takes census, collects botanical samples, and operates equipment.

The appellant reviews projects and plans initiated by other activities for impact on vegetation and habitat, recommending alternatives or mitigation actions to avoid habitat damage and disruption of actions to maintain, restore, or enhance habitat and species. He works with requestors to meet mission requirements and vegetation program objectives. The appellant provides input for Environmental Assessments and Environmental Impact Statements.

The appellant supervises seasonal and volunteer workers, planning work, setting work priorities, etc. Because these duties account for less than 25 percent of his time, the appellant's position does not meet the minimum criteria for coverage of the General Schedule Supervisory Guide.

The Natural Resources Division is headed by a GS-13 Supervisory Biologist and includes two archeologists (GS-9 and 11), a wildlife biologist (GS-11), museum curator (GS-11), a botanist (GS-11), two exhibit specialists (GS-9 and 11), a museum technician (GS-7), a cartographic technician (GS-9), and a program support clerk.

Series, title, and standard determination

The appellant's duties and responsibilities, and the corresponding knowledge and skills required, match the *Botanist Series*, GS-430. Positions in this series are concerned with research or other professional and scientific work in the field of botany, including plant taxonomy, morphology, ecology, and ethnobotany. The work requires full professional education and training in the plant sciences and a fundamental knowledge of the principles, methods, techniques, procedures, and relationships of the science of botany and of the application of this knowledge in the investigation, analysis, and solution of botanical problems. The GS-430 standard prescribes *Botanist* as the title for nonsupervisory positions.

The GS-430 Botanist standard contains no grade level criteria. When no directly applicable grade level criteria have been published, other standards must be selected for comparison. Those standards should be for work that is as similar as possible to the work being evaluated with respect to the kind of work process, function, or subject matter involved; the qualifications required; the level of difficulty and responsibility; and the combination of classification factors that have the greatest influence on the grade level. We considered the GS-457 Soil Conservation, GS-460 Forestry, GS-471 Agronomy, and GS-486 Wildlife Biology standards. Comparable to the appellant's duties, the Wildlife Biology series requires professional knowledge and competence to perform work in the conservation, propagation, management, protection, and administration of wildlife species or determination, establishment, and application of facts, principles, methods, techniques, and procedures needed for conservation and management of wildlife resources and habitat. We find this standard appropriate for use in making a grade level determination. The grade level criteria are provided in a combined standard for the GS-482 Fishery Biology Series and GS-486 Wildlife Biology Series.

Grade determination

The GS-482/486 standard provides grading criteria based on the nine factors of the Factor Evaluation System. Duties and responsibilities are compared to descriptions representing various levels of each factor to determine which level is fully met. Corresponding points are assigned to the level of each factor that is fully met. If an employee's position exceeds a factor level only in some respects, the higher level cannot be credited. The points awarded for the nine factors are added and the total is compared to the grade conversion table in the GS-482/486 standard to determine the final grade.

The appellant challenges the agency's evaluation of Factors 3, 4, and 5. We have reviewed the agency's evaluation of Factors 1, 2, and 6 through 9 and found them to be correctly evaluated. As a result, we have confined our analysis only to Factors 3 through 5.

Factor 3, Guidelines

This factor covers the nature of guidelines used, and the judgment needed to apply them. The agency credited Level 3-3. The appellant believes Level 3-4 is appropriate.

At Level 3-3, a number of general guidelines are available, and broad objectives have been established. Guidelines may not be completely applicable to the work situation and the biologist uses judgment to determine when to use alternatives or to adapt guidelines for application to specific problems or may make generalizations from several guidelines and determine when additional guidance is needed.

At Level 3-4, the guidelines are often inadequate to deal with complex or unusual problems or with new, undeveloped, or controversial aspects of wildlife resources and management. Guides may point to conflicting decisions, there may be few precedents, or court decisions may not coincide with existing guides. The biologist is required to deviate from or extend traditional methods and practices, or to develop new or vastly modified techniques for obtaining effective results.

Level 3-3 is met. Guidelines are available through Federal and State law, policy, guidelines, and instructions, in addition to professional-level methodologies established by convention within various natural resource management disciplines. However, not every situation may be addressed through agency/professional avenues and some conditions may require the development and implementation of tailored work efforts.

The appellant researches literature and/or coordinates with professional contacts to enable resolution of potential conflicts between environmental/tribal group concerns, scientific conventions, and NPS's established philosophies on the management of natural and cultural resources. The use of unique, novel, or untested approaches that have the potential to be questioned by peers or the public for scientific rigor must be reviewed and coordinated with the appellant's supervisor.

Although the problems the appellant handles, particularly those associated with the restoration of degraded piñon-juniper savanna sites, are complex and unusual, they are not new or undeveloped. There are solutions and guidance available through established research and precedents. However, the appellant must view the alternatives and determine which, if any, are appropriate for use in his particular situation and how to best use them or alter various methods to solve or improve the situation and still meet the concerns of interested environmental groups.

Level 3-4 is not fully met. Although the guides the appellant uses are very broad and do not specifically address the problems he handles, Level 3-3 considers and credits those situations in which only broad or general guidelines are available. To credit Level 3-4, the problems dealt with must be of such complexity or uniqueness that new or vastly modified techniques must be developed because there are few precedents to consider or there are conflicts in the guides that are available. The problems the appellant deals with may require him to adapt methods and guidelines or choose alternatives from among available guides and/or techniques, but he has few problems that require him to develop new or vastly modified techniques to obtain results. While degraded piñon-juniper savanna sites within a wilderness environment and cultural landscape context are not found in many other locations, the problem of degraded savanna sites has been researched and there are solutions that can be tried to restore the sites. The appellant must use judgment in determining which solutions to attempt and whether or not the accepted techniques should be altered in any way, and he must consider the desires of environmentalists who do not want to alter the natural sites through mechanical intervention or any other way. This does not, however, meet the level of inadequacy of guidelines nor the development of new or vastly modified techniques as described at Level 3-4.

Level 3-3 is credited for 275 points.

Factor 4, Complexity

This factor covers the nature, number, variety, and intricacy of tasks, steps, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work. The agency credited Level 4-4. The appellant believes Level 4-5 is correct.

At Level 4-4, biologists are typically involved in a full range of professional activities and in the application of many different and unrelated biological concepts. They apply flexibility and judgment in approaching problems and applying methodologies and practices to obtain a balance between program requirements and policies, differences in agency missions, and demands of various interest groups. Some assignments involve conflicting special interest groups or tribal demands that influence the redirection of management priorities, objectives, and agency policy. The demands may result in appeals to higher level authorities within the agency or other agencies that have a mutual interest.

Assignments at Level 4-4 involve administrative and resource problems which require in-depth analysis and evaluation of alternatives; environmental problems with conflicting requirements accompanied by resolutions which may have serious implications for industry, commercial concerns, or the general public. The biologists must independently identify the boundaries of the

problem, the kinds of information needed, and the techniques to be applied. The assignment usually requires them to relate new situations to precedents, extend or modify existing techniques, or develop compromises which require substantial effort to overcome resistance to change when it is necessary to modify an accepted method or approach.

At Level 4-5, the work includes varied duties requiring many different and unrelated processes applied to a broad range of activities that cover a wide geographic area, or substantial depth of analysis. Biologists may be responsible for coordinating and planning activities that cover a broad multiple-resource program. The work involves solving problems concerned with novel, undeveloped, or controversial aspects of biology and related disciplines.

The problems at Level 4-5 are complex or difficult due to such characteristics as the abstract nature of the concepts, or the existence of serious conflicts among scientific requirements, program direction and administrative requirements. Biologists must be especially versatile and innovative to recognize new approaches, devise new techniques, and anticipate future trends.

Level 4-4 is met. The appellant works independently in varied duties requiring many different and unrelated processes applied to a number of activities that cover both the park and adjacent lands and a variety of related resource disciplines. His assignments include the full range of professional activities related to developing and implementing vegetation management programs and projects to define the causes and extent of environmental damage to botanical resources as well as devise measures to eliminate or mitigate such impact within confines of environmental laws and regulations.

The issues with which the appellant deals are complex, e.g., they involve restoring an ecosystem within the context of a nationally designated wilderness and nationally registered cultural landscape. He must apply judgment in determining how to approach these problems, considering vegetation management and related program methods, practices, and needs as well as the concerns of the general public, tribal groups, environmental groups, and other Federal and State agencies who may have a differing point of view. He independently determines what to study, how to collect the data, and the resources he has available to devote to the various issues. He must test potential solutions to these issues in an unstable environment and on a controversially large scale (up to 8,000 acres of wilderness).

Level 4-5 is not met. The appellant's responsibilities are confined to the park. Although he is responsible for developing information and analyzing resources, he does this for the vegetation management program only, not for a multiple resource program. While the appellant has some controversial and unusual problems, such as those involved with restoring degraded piñon-juniper savanna sites within a complex context, the work does not fully meet the level of novel or undeveloped aspects of the science and related disciplines as described at Level 4-5. The appellant may be somewhat innovative in his approach in designing studies, or to analyzing the data he collects or applying measurement techniques, but he is not developing new research techniques nor must he be particularly innovative in order to deal with issues not related to restoring a degraded ecosystem. The full intent of Level 4-5 is not met; therefore, this level cannot be credited.

Level 4-4 is credited for 225 points.

Factor 5, Scope and effect

This factor covers the relationship between the nature of the work, as measured by the purpose, breadth, and depth of the assignment, and the effect of work products or services both within and outside the organization. The agency credited Level 5-3. The appellant believes Level 5-4 is correct.

At Level 5-3, the purpose of the work is to investigate and analyze conventional or common biological resources and problems and/or environmental conditions in order to recommend or implement solutions that satisfy management objectives. The work affects the adequacy of development, protection, management, and use of biological resources by assessing conditions and notifying others about the need to study apparent problems.

At Level 5-4, the purpose of the work includes developing new or improved techniques or criteria for conducting projects; providing advisory, planning, or review services for programs or functions; validating studies for management use; recovering or managing a habitat for endangered species; or evaluating results of research contracts. Work situations may be complicated by administrative problems such as availability of funds and personnel and accuracy of databases. The results of the work or work products affect the work of State and county officials, tribal organizations, and program managers and technical specialists in other agencies, as well as internal agency goals and objectives. Activities typically involve problems which impact or affect the continued existence of a resource or resource area.

Level 5-3 is met. The appellant serves as the park's technical expert, consultant, and advisor on vegetation management programs. He also consults and advises on soils, air, water, minerals, integrated pest, and hazardous materials management programs. Assignments regularly involve solving problems with conflicting requirements that are accompanied by resolutions that may have serious implications for the park's mission. The appellant's work ensures continuing compliance in the programs he manages. Consistent with positions at Level 5-3, the appellant's work influences the management and/or effectiveness of natural resources-related policies, programs, and the ongoing viability of natural and cultural resources at the park.

Level 5-4 is not met. Although the appellant develops and implements improved or adaptive management approaches, especially in restoration activities, he does not develop new approaches or techniques indicative of positions at Level 5-4. While the appellant has the opportunity to provide input and to influence the natural resource management within the park, the results of his work do not affect the work of outside organizations as expected of positions at Level 5-4. Even though woodlands issues facing the park may be relevant to other parks and land management agencies across the western U.S. and of interest to land managers, scientists, and university researchers working in this widespread vegetation type, the appellant's work does not affect the wide range of agency activities or the operation of other agencies as described at Level 5-4. Since the full intent of Level 5-4 is not met, this level cannot be credited.

Level 5-3 is credited for 150 points.

Summary

The appellant's position is properly evaluated as follows:

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-7	1250
2. Supervisory controls	2-4	450
3. Guidelines	3-3	275
4. Complexity	4-4	225
5. Scope and effect	5-3	150
6.& 7. Personal contacts and Purpose of contacts	3b	110
8. Physical demands	8-2	20
9. Work environment	9-2	20
<i>Total</i>		2,500

Using the Grade Conversion Table found in the GS-482/486 standard, a total of 2,500 points falls within the GS-11 range of 2,355 to 2,750 points.

Decision

The appellant's position is properly classified as Botanist, GS-430-11.